

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Patrick Perugino, West Haven

File No. 2020-053A

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Casimir Mizera (“Respondent”)¹ and the undersigned authorized representative of the State Elections Enforcement Commission (the “Commission”), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

ALLEGATIONS

1. Complainant alleges that Respondent, the treasurer of the *Southworth for Senate* committee (the “Committee”) failed to report expenditures incurred by the Committee in connection with their application for a grant from the Citizens’ Election Program as required by General Statutes § 9-706.
2. Specifically, Complainant alleges that Respondents: 1) failed to report expenses incurred by the Committee for campaign signs; and 2) failed to report expenses incurred by the Committee for wages paid to a campaign manager and treasurer.

LAW

3. Connecticut law requires treasurers of committee to report expenditures incurred by a committee, even if such expenditure has not yet been paid. Specifically, General Statutes § 9-608 provides, in pertinent part:

(a) Filing dates. (1) Each treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, . . . The statement shall be complete as of eleven fifty-nine o'clock p.m. of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day. The statement shall cover a period to begin with the first day not included in the last filed statement. In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

(c) Content of statements. (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: . . . (B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to

¹ Allegations in the complaint concerning Michael Southworth shall be addressed in a separate document.

include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (C) an itemized accounting of each expense incurred but not paid, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; . . .

4. General Statutes § 9-706 (c) further requires that any application for a grant from the Citizens' Election Fund include an itemized accounting of committee financial transactions and provides:

The application shall be accompanied by a cumulative itemized accounting of all funds received, expenditures made and expenses incurred but not yet paid by the candidate committee as of three days preceding the day the application is filed. Such accounting shall be sworn to under penalty of false statement by the treasurer of the candidate committee. The commission shall prescribe the form of the application and the cumulative itemized accounting. The form for such accounting shall conform to the requirements of section 9-608.

FACTUAL BACKGROUND

5. On or about April 2, 2020, Michael Southworth filed a SEEC Form 1 and SEEC Form 1A with the Commission registering as a candidate for the Connecticut State Senate and forming the Committee.
6. On the SEEC Form 1A filed by Michael Southworth on or About April 2, 2020, Respondent signed the document indicated that he agreed to be the treasurer of the Committee.
7. Respondent Mizera served as treasurer of the Committee until he filed a termination report for the Committee with the Commission on or about March 29, 2021.
8. On or about August 17, 2020, Respondent Mizera submitted an Itemized Campaign Finance Disclosure Statement, SEEC Form 30 on behalf of the Committee.
9. Respondent Mizera indicated on the August 17, 202 Itemized Campaign Finance Disclosure Statement, SEEC Form 30 that such document an "Itemized Statement accompanying application for Public Grant[.]"
10. On or about August 18, 2020, Respondents submitted a Citizens' Election Program Application for Public Grant Dollars.

11. On or about August 20, 2020, the Committee incurred an obligation to pay a sign vendor \$1,859.00.
12. On or about September 1, 2020, Respondent Mizera submitted an Itemized Campaign Finance Disclosure Statement, SEEC Form 30 on behalf of the Committee.
13. The September 1, 2020 SEEC Form 30 for the Committee purported to report all expenditures made and incurred for the period August 17, 2020 through September 1, 2020.
14. The September 1, 2020 SEEC Form 30 for the Committee did not report the Committee's incurred obligation to pay the sign vendor \$1,859.00.
15. As of September 1, 2020, the Committee had not yet paid the sign vendor.
16. On or about September 15, 2020, Complainant filed the instant complaint with the Commission
17. On or about October 5, 2020, Respondent Mizera amended the September 1, 2020, SEEC Form 30 for the Committee to include the incurred obligation to pay the sign vendor \$1,859.00.
18. After investigation by Commission staff, which included a review of internal documentation of the Committee and relevant bank records, Commission staff did not identify any payments or obligations to make payments to Respondent Mizera or any other individual that was not properly reported on the September 1, 2020 SEEC Form 30 for the Committee.

DISCUSSION

19. Pursuant to General Statutes § 9-706 (c), a committee treasurer is required to report committee financial transactions and obligations on a financial statement submitted in connection with an application for a Citizens' Election Fund grant in the same way as such treasurer would on a statement filed pursuant to General Statutes § 9-608. Accordingly, a financial statement submitted in connection with an application for a Citizens' Election Fund grant must include "an itemized accounting of each expense incurred but not paid[.]" General Statutes § 9-608 (c) (1) (C).
20. In this case, Respondent Mizera failed to include a single incurred but not yet paid expenditure for signs that the campaign had ordered, totaling \$1,859.00.

21. Accordingly, the Commission concludes that Respondent Mizera violated General Statutes § 9-706.
22. While properly reporting all financial transactions and obligations of a committee is something the Commission has taken seriously, the Commission has historically declined to issue civil penalties in instances of a single incurred obligation not properly reported. See e.g., *In the Matter of a Complaint by Josh Collins, Vernon*, File No. 2018-068A. See also, *In the Matter of a Complaint by Jeffrey Caggiano, Bristol*, File No. 2018-031B; *In the Matter of a Complaint by Frank Capone, East Haven*, File No. 2015-106.
23. In this case, while Respondent Mizera failed to report an obligation to pay a sign vendor, it was a single expenditure that was not dispositive of the Committee's Citizen Election Fund grant eligibility and Commission staff found no evidence of ill intent or adverse consequences suffered by anyone in connection with this omission.
24. Moreover, when the issue was brought to Respondent Mizera's attention, he immediately amended his filing and cooperated with this investigation.
25. Given that this appears to be an isolated incident and the Respondent's active cooperation with the investigation, the Commission determines that no civil penalty is required to insure immediate and continued compliance with the State's campaign finance laws.

TERMS OF GENERAL APPLICATION

26. Respondent admits all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
27. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used by either party as an admission in any subsequent hearing, if the same becomes necessary.
28. Respondent waives:
 - a. any further procedural steps;
 - b. the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and,

- c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this agreement.
29. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondents pertaining to this matter, and this agreement and order does not serve as a prospective ban on future contracts between Respondent and state agencies.

ORDER

IT IS HEREBY ORDERED THAT Respondent shall henceforth strictly comply with the requirements of General Statutes §§ 9-608 and 9-706.

The Respondent:

By:



Casimir Mizera
185 Boston Road
Stratford, CT 06614

Dated:

6/11/21

For the State of Connecticut:

By:



Michael J. Brandi, Esq.,
Executive Director and General
Authorized Representative of the State
Elections Enforcement Commission

55 Farmington Ave.
Hartford, CT 06105

Dated:

6/18/21

Adopted this 16th day of June, 2021 at Hartford, Connecticut


STEVEN T. PINSKY
By Order of the Commission